

REMARKS

Claims 1-2, 4-8, 11-12, 20, 23-24 and 40-41 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,562,001 to Lebel ("Lebel"). Further, claims 4-8, 11-12, 20, 23-24 and 40-41 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,978,702 to Ward ("Ward") or U.S. Patent No. 5,474,552 to Palti ("Palti"). Additionally, claims 1-2, 4-8, 11-12, 20, 23-24 and 40-41 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being patentable over claims 1-23 of co-pending Application No. 10039751. In view of the claims presented in this RCE, Applicants respectfully traverse these rejections.

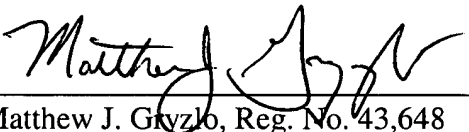
In general, Applicants have amended the claims to include that the medical treatment apparatus has *a first sensor and a second sensor*. The first sensor is coupled to a patient to receive information from the patient concerning the physiological condition of the patient, and the information is transferred from the first sensor to the control algorithm. The second sensor receives environmental information from an environment of the patient, and the environmental information is transferred from the second sensor to the control algorithm. The control algorithm is then adapted to process the information from the sensors to control the delivery of the medication from the medical device to the patient.

In view of the present status of the claims, the Applicant respectfully submits that neither Lebel, Ward nor Palti disclose a first sensor and a second sensor coupled to a control algorithm, wherein the first sensor obtains information concerning the physiological condition of the patient, and wherein the second sensor obtains information concerning the environment of the

patient. Accordingly, the Applicant respectfully submits that the present claims are patentable as presented.

Respectfully submitted,

Dated: 11/19/04

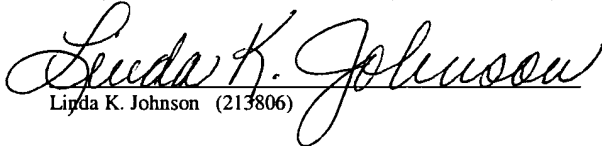
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